UNITED STATES PATENT AND TRADEMARK OFFICE

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Muirhead and Saturnelli, LLC
200 Friberg Parkway, Suite 1001
Westborough, MA 01581

EXAMINER
VAUGHAN, MICHAEL R

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Ex parte PHIL LIBIN and DAVID ENGBERG

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Appeal 2016-007485
Application 13/324,239[1]
Technology Center 2400

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Before ST. JOHN COURTENAY III, SCOTT B. HOWARD, and
ALEX S. YAP, *Administrative Patent Judges.*

HOWARD, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Final Rejection
of claims 1–15, which constitute all of the claims pending in this application.
We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

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[1] Appellants identify Assa Abloy AB as the real party in interest. App. Br.
2.

THE INVENTION

The disclosed and claimed invention is directed "to a method and apparatus for secure ID checking."

Claim 7, reproduced below, is illustrative of the claimed subject matter:

> 7.   A system for secure ID checking, comprising:
> a database;
> an access control device coupled to the database and having a card reader device, wherein the access control device receives attribute information of a user from the database, and wherein at least a portion of the attribute information is encrypted; and
> a decryption device coupled to the access control device, wherein the decryption device decrypts the encrypted attribute information received from the database to generate clear text attribute information using a decryption key, wherein the decryption key is generated using one of: an asymmetric encryption process and a symmetric encryption process applied to information obtained by the card reader device from a card presented by the user.

REFERENCES

The prior art relied upon by the Examiner as evidence in rejecting the claims on appeal is:

Bushmitch et al.	US 2002/0159601 A1	Oct. 31, 2002
Dickson et al.	US 2004/0182921 A1	Sept. 23, 2004
Libin et al.	US 2005/0055567 A1	Mar. 10, 2005

REJECTIONS

Claims 7–11 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Libin and Bushmitch. Final Act. 4–6.

Claims 1–6 and 12–15 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Libin and Dickson. Final Act. 6–8.

ANALYSIS

We have reviewed the Examiner's rejection in light of Appellants' arguments that the Examiner erred. In reaching this decision, we have considered all evidence presented and all arguments made by Appellants. We disagree with Appellants' arguments with respect to claims 1–15, and we incorporate herein and adopt as our own: (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken (Final Act. 4–8), and (2) the reasons and rebuttals set forth in the Examiner's Answer in response to Appellants' arguments (Ans. 2–5). We incorporate such findings, reasons, and rebuttals herein by reference unless otherwise noted. However, we highlight and address specific findings and arguments for emphasis as follows.

Appellants argue the cited references do not teach or suggest "providing encrypted attribute information of a user and providing a decryption key on a card presented by a user where the decryption key decrypts the encrypted attribute information," as required by claim 7.[2] App. Br. 9–10. More specifically, Appellants argue Libin only "discloses encrypting a random challenge to the user" and does not teach or suggest "providing any encrypted attribute information as recited in the claims." *Id.* at 10. Appellants also contend "since Libin does not encrypt user attribute information, there is not any motivation to generate any decryption keys.

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[2] We note Appellants do not recite verbatim the language recited in claim 7.

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Thus, according to Appellants, the addition of the Bushmitch reference does not cure the above-noted deficiencies of Libin." *Id.*

The Examiner finds Libin Paragraph 91 teaches using an encrypted communication to transmit a secret password. Final Act. 4 (citing Libin ¶ 91). The Examiner further finds "Bushmitch uses an encrypted version of a user's PIN to decrypt the user's password" and that a person of ordinary skill in the art would have combined that feature with Libin "to protect the [secret password] when transmitting it where it is from the server to the door or the smart card to the door." Final Act. 5.

With regard to providing encrypted attribute information of a user, Appellants' do not address the specific basis for the Examiner's finding— Libin Paragraph 91—in the Appeal Brief. Accordingly, we are not persuaded that the Examiner erred. Instead, we agree with the Examiner that Libin teaches encrypted communications including attribute information of a user.

In the Reply Brief, Appellants argue the Examiner erred in relying in Libin Paragraph 91. *See* Reply Br. 3–5. Because Appellants did not raise that argument in the opening brief and good cause has not been shown why it should be considered, we will not consider this argument. *See* 37 C.F.R. §41.41(b)(2); *Ex parte Borden*, 93 USPQ2d 1473, 1474 (BPAI 2010) (Informative) ("[T]he reply brief [is not] an opportunity to make arguments that could have been made in the principal brief on appeal to rebut the Examiner's rejections, but were not.").

Similarly, because the remainder of Appellants' arguments are premised on Libin not teaching encrypted providing encrypted attribute information of a user, we are similarly not persuaded by those arguments.

Instead, we agree with the Examiner that Bushmitch teaches providing a decryption key on a card presented by a user and that there was a reason to combine the teachings of the references.

Accordingly, we sustain the Examiner's first-stated rejection of representative claim 7, along with the first-stated rejection of dependent claims 8–11, which are not separately argued. *See* 37 C.F.R. § 41.37(c)(1)(iv).

Appellants rely on substantially the same arguments with regard to the second-stated rejection of claims 1–6 and 12–15. *Compare* App. Br. 9–10 (claims 7–11), with *id.* at 11–12 (claims 1-6 and 12–15). The only difference in Appellants argument is replacing the secondary reference Bushmitch—for which no arguments are presented—with Dickson. Accordingly, for the same reasons discussed above for claim 7, we sustain the Examiner's rejection of claims 1–6 and 12–15.

DECISION

For the above reasons, we affirm the Examiner's decision rejecting claims 1–15.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv). *See* 37 C.F.R. § 41.50(f).

AFFIRMED